

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	
)	Case No. 21-CR-00034LEK
)	
Plaintiff,)	October 17, 2022
)	10:56 a.m.
vs.)	
)	
WAYNE INOUE,)	
)	U.S. District Court
Defendant.)	300 Ala Moana Boulevard
)	Honolulu, HI 96850
_____)	

TRANSCRIPT OF CHANGE OF PLEA HEARING
BEFORE THE HONORABLE ROM TRADER
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Plaintiff:	Craig S. Nolan, Esq. Michael D. Nammar, Esq. U.S. Attorney's Office 300 Ala Moana Boulevard, Suite 6100 Honolulu, HI 96850
For Defendant:	Thomas M. Otake, Esq. 851 Fort Street Mall, Suite 400 Honolulu, HI 96813
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1 | OCTOBER 17, 2022

10:56 A.M.

2 THE CLERK: All right, Your Honor. Next matter,
3 criminal number 21-00034LEK, United States of America v.
4 Defendant (01) Wayne Inouye. This case has been called for a
5 change of plea hearing.

6 Counsel, your appearances, please, starting with the
7 Government.

8 MR. NOLAN: Good morning, Your Honor. Craig Nolan and
9 Michael Nammar for the Government.

10 THE COURT: All right. Good morning, gentlemen.

11 MR. OTAKE: Good morning, Your Honor. Thomas Otake, on
12 behalf of Wayne Inouye, who is present.

13 THE COURT: All right. Very good. And good morning to
14 you, Mr. Otake and Mr. Inouye. All right. Please be seated,
15 folks.

16 MR. OTAKE: Can I clarify one quick thing, Your Honor?

17 THE COURT: Yeah.

18 MR. OTAKE: I know there may have been some confusion
19 in some of the emails back and forth, but just to be clear, Mr.
20 Inouye is not pleading to a plea agreement today --

21 THE COURT: Correct.

22 MR. OTAKE: -- but he's just pleading guilty to the
23 indictment.

24 THE COURT: Understood.

25 MR. OTAKE: Okay. Thank you.

1 THE COURT: Understood. Okay. You can be seated. And
2 if you could adjust the microphone there, Mr. Inouye. We're
3 going to take some time to go through some things.

4 MR. OTAKE: Is it -- he can remain seated through the
5 questioning?

6 THE COURT: That's fine. Yeah.

7 MR. OTAKE: Thank you.

8 THE COURT: And at the outset, I'm going to have you
9 sworn, so if you would just raise your right hand, please.

10 WAYNE INOUE, DEFENDANT, SWORN

11 THE COURT: Okay. Good morning. Can you state your
12 name for the record?

13 THE DEFENDANT: Wayne Inouye.

14 THE COURT: Okay. You understand why you're here
15 today, right, Mr. Inouye?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay. So you're here, as I understand it,
18 to enter guilty pleas as charged to the seven counts in the
19 indictment; is that correct?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. And intend to do so today without
22 the benefit of a plea agreement, right?

23 THE DEFENDANT: Yes.

24 THE COURT: And you intend to enter that plea before
25 this Court? I'm a magistrate judge, not a district judge, and

1 we'll talk about that in a little bit. But that's your
2 intention, right?

3 THE DEFENDANT: Yes.

4 THE COURT: All right. So in order for us to proceed
5 -- we can do all that, okay, but it's important that we make a
6 record. And Mr. Otake, I'm sure, consistent with how he
7 practices, has gone through everything at length with you, has
8 advised you, and you're fully prepared to proceed today.

9 And so by asking you a bunch of these questions, I'm
10 not implying at all that Mr. Otake hasn't done his job or you
11 don't understand what's going on. It's just important that we
12 make sure that the record is clear. These are big decisions that
13 you're making, and we want to make sure that the record is clear,
14 that you understand what's going on, the possible consequences,
15 and this is what you've decided to do. You understand all that?

16 THE DEFENDANT: Yes.

17 THE COURT: If you have any questions at all --
18 sometimes I don't ask the question in a proper form, okay, or I
19 use a term you may not be familiar with. At any point in time,
20 feel free, just stop me. Let me know, hey, Judge, I don't
21 understand what you're asking me, or I'd like a minute to talk to
22 Mr. Otake. Just feel comfortable, feel free to just let me know
23 that, and I'll give you an opportunity to, one, speak to Mr.
24 Otake, or I'll try to do my best to clarify the question. Okay,
25 fair enough?

1 THE DEFENDANT: Yes.

2 THE COURT: Otherwise, I'm going to presume that you're
3 crystal clear about what's being asked of you, okay?

4 THE DEFENDANT: Yes.

5 THE COURT: All right. Now -- okay. How old are you
6 today, Mr. Inouye?

7 THE DEFENDANT: Sixty-five.

8 THE COURT: Okay. How far did you get in school?

9 THE DEFENDANT: College graduate.

10 THE COURT: Okay. And what's your degree in?

11 THE DEFENDANT: Psychology.

12 THE COURT: Psychology, okay. You read, write, and
13 understand English just fine, right?

14 THE DEFENDANT: Yes.

15 THE COURT: All right. You had an opportunity to
16 review, I guess, the charges or indictment in this case, right?

17 THE DEFENDANT: Yes.

18 THE COURT: You read that to yourself, correct?

19 THE DEFENDANT: Yes.

20 THE COURT: And you reviewed everything with your
21 attorney, right?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. Now as far as you know here today,
24 you're clear about what those charges are. You don't have any
25 questions about them, in other words; is that right?

1 THE DEFENDANT: Yes.

2 THE COURT: Okay. Now how are you feeling today?

3 THE DEFENDANT: Fine.

4 THE COURT: Okay. Are you thinking clearly?

5 THE DEFENDANT: Yes.

6 THE COURT: Physically, you feel rested enough? You're
7 ready to spend some time talking about a few things here today?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. Any medication, drugs, or alcohol in
10 the last two days?

11 THE DEFENDANT: Just my regular prescription.

12 THE COURT: Okay.

13 THE DEFENDANT: Yeah.

14 THE COURT: And the prescription medication that you
15 take, what is that for?

16 THE DEFENDANT: Blood pressure, cholesterol, and
17 glaucoma.

18 THE COURT: Okay. Now you take those as prescribed; is
19 that correct?

20 THE DEFENDANT: Yes.

21 THE COURT: Is that every day?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. And what time of day do you usually
24 take those medications?

25 THE DEFENDANT: Usually in the evening.

1 THE COURT: Okay. And is there anything about when you
2 take those medications regularly that affects the way you think
3 or feel at all?

4 THE DEFENDANT: No.

5 THE COURT: Okay. In other words, there's nothing
6 about you having taken those as prescribed that makes you feel
7 unwell today, or foggy, or less than clear headed this morning;
8 is that right?

9 THE DEFENDANT: Correct.

10 THE COURT: Okay. Now you feel comfortable, and you
11 understand the purpose of today's proceeding?

12 THE DEFENDANT: Yes.

13 THE COURT: And you've made a big decision to plead
14 without the benefit of any plea agreement, right?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you think you've had enough time to talk
17 to Mr. Otake about that?

18 THE DEFENDANT: Yes.

19 THE COURT: And talk to your family and decide for
20 yourself what it is you want to do?

21 THE DEFENDANT: Yes.

22 THE COURT: Okay. You comfortable with that decision?

23 THE DEFENDANT: Yes.

24 THE COURT: You satisfied with the advice and services
25 provided to you by Mr. Otake in this matter?

1 THE DEFENDANT: Yes.

2 THE COURT: In other words, no complaints at all,
3 right?

4 THE DEFENDANT: No.

5 THE COURT: Okay. I'm not saying there would be. I'm
6 just asking. Okay. All right. Anyone make you any promises to
7 get you to plead here today?

8 THE DEFENDANT: No.

9 THE COURT: Anyone trying to put any pressure on you to
10 plead when you don't want to?

11 THE DEFENDANT: No.

12 THE COURT: And whose choice is it to plead in this
13 case before this Court today?

14 THE DEFENDANT: Mine.

15 THE COURT: All right. Now, is there anything at all
16 -- do you have any hesitation at all about proceeding forward
17 this morning, Mr. Inouye?

18 THE DEFENDANT: No.

19 THE COURT: Okay. Now, Mr. Otake, can you confirm that
20 it's your belief that your client is competent to proceed today
21 and enter a plea?

22 MR. OTAKE: Yes, Your Honor.

23 THE COURT: All right. Very good. Now, Mr. Inouye,
24 you have a right to plead before the district judge, and that is
25 Judge Kobayashi in this case. Do you understand?

1 THE DEFENDANT: Yes.

2 THE COURT: She's a district judge, okay. All right.
3 I'm a magistrate judge, okay. And so you can consent to plead
4 before me, but you need to understand that by doing that, you're
5 giving up your right to enter a plea before the district judge.
6 Do you understand?

7 THE DEFENDANT: Yes.

8 THE COURT: Are you willing to give up that right to
9 plead before Judge Kobayashi, and instead enter a plea here today
10 before this Court?

11 THE DEFENDANT: Yes.

12 THE COURT: I've received what appears to be a signed
13 two page document entitled consent to Rule 11 plea in a felony
14 case before a United States Magistrate Judge. It appears to bear
15 your signature, that of Mr. Otake, and the electronic signature
16 of the Government's attorney, Mr. Nolan. Are you familiar with
17 that form?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay. And this is your signature on this
20 form, sir, I'm showing you page two?

21 THE DEFENDANT: Yes.

22 THE COURT: Okay. Not to say that your -- if your eyes
23 are that good, you can see it from there. But you understand
24 which form I'm holding up, right?

25 THE DEFENDANT: Yes.

1 THE COURT: All right. Before you signed this, you
2 discussed it in full with your attorney?

3 THE DEFENDANT: Yes.

4 THE COURT: You read it to yourself very carefully?

5 THE DEFENDANT: Yes.

6 THE COURT: And at the time you signed it, you fully
7 understood everything in this document; is that correct?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you have any questions about anything
10 that's in this document today?

11 THE DEFENDANT: No.

12 THE COURT: All right. All right. And this is what
13 you want to do?

14 THE DEFENDANT: Yes.

15 THE COURT: All right. With that, the Court will find
16 that Mr. Inouye has voluntarily, knowingly, and intelligently
17 consented to plead before this Court. And we'll have this
18 consent form filed and made a part of the record in this case.
19 All right. Mr. Inouye, we've got charges launched against you in
20 this case, I believe it was by indictment, seven accounts,
21 correct?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. Now Counts 1 through 6 are
24 conspiracy to commit honest services, wire fraud. Count 7 is
25 essentially making false statements. Yes?

1 THE DEFENDANT: Yes.

2 THE COURT: Okay. As you sit here today, are you
3 comfortable, and you fully and completely understand each and
4 every one of the charges that you intend to plead to today?

5 THE DEFENDANT: Yes.

6 THE COURT: Okay. And as part of your process, you
7 went through and Mr. Otake explained to you basically the
8 evidence the Government has against you, correct?

9 THE DEFENDANT: Yes.

10 THE COURT: And he's explained to you what facts or
11 elements they're going to have to prove if the case were to go to
12 trial, right?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. And he also shared with you what
15 possible defenses you might raise if you chose to go to trial,
16 correct, sir?

17 THE DEFENDANT: Yes.

18 THE COURT: All right. And he also told you about what
19 penalties might apply in your case, right?

20 THE DEFENDANT: Yes.

21 THE COURT: And that's as to each and every one of
22 these counts, right?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. After having that discussion with
25 Mr. Otake, do you feel you comfortably -- you understand each and

1 every one of the charges in this case?

2 THE DEFENDANT: Yes.

3 THE COURT: And he's explained to you fully the
4 consequences of you pleading without any assurances or any plea
5 agreement from the Government; is that correct?

6 THE DEFENDANT: Yes.

7 THE COURT: All right. And are you comfortable with
8 that decision to move forward and plead without a plea agreement?

9 THE DEFENDANT: Yes.

10 THE COURT: I'm not saying it whether you like it or
11 not. I'm saying you've thought about it, you understand what
12 your options are. Based on that and advice of counsel, this is
13 what you think you need to do?

14 THE DEFENDANT: Yes.

15 THE COURT: Okay. Any hesitation at all about that?

16 THE DEFENDANT: No.

17 THE COURT: All right. Mr. Otake, I take you to agree
18 with Mr. Inouye's decision to plead?

19 MR. OTAKE: Yes, Your Honor.

20 THE COURT: All right. Now with that, what we're going
21 to do is we're going to break this down. We're first going to
22 cover what the maximum penalties are. And in different points
23 during today's proceeding, I'm going to ask the Government to
24 recite certain information. This information is going to be
25 information that you're familiar with, okay? But because we're

1 making a record, I want you to listen, okay, and make sure you
2 understand it. If you have any questions about any of it, please
3 feel free to let me know.

4 Okay. With that, I'm going to ask the Government,
5 please, to summarize the maximum penalties that apply in this
6 case.

7 MR. NOLAN: Yes, Your Honor. As to each of Counts 1
8 through 6 on a services wire fraud, a term of imprisonment of up
9 to 20 years and a fine of up to \$250,000, plus a term of
10 supervised release up to three years. As to Count 7, false
11 statement, a term of imprisonment of up to five years, and a fine
12 of up to \$250,000, plus a term of supervised release up to three
13 years. In addition, the Court must impose a \$100 special
14 assessment as to each count to which the Defendant is pleading
15 guilty.

16 Additionally, pursuant to 18 U.S.C., Section
17 981(a)(1)(C) and 28 U.S.C. 2461, the Court shall award forfeiture
18 of any property, real or personal, which constitutes or is
19 derived from proceeds traceable to a violation of a specified
20 unlawful activity within the meaning of 18 U.S.C. 1956(c)(7).
21 Each of counts 1 through 6, are an SUA specified unlawful
22 activity. The Government calculates the amount subject to
23 forfeiture as not less than \$104,140.81.

24 In addition, the Court must also award restitution
25 pursuant to Title 18, United States Code, Section 3663(a), to the

1 persons and entities victimized by the Defendant's offenses.

2 THE COURT: All right. Mr. Otake, do you agree with
3 those being the maximum possible penalties?

4 MR. OTAKE: Yes.

5 THE COURT: All right. Mr. Inouye, you heard all that?

6 THE DEFENDANT: Yes.

7 THE COURT: Okay. You're familiar with that, right?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. So you understand that for each one
10 of the counts, as Mr. Nolan described, these are the maximum
11 penalties that you face in terms of prison time, a period of
12 supervised release, fines, special assessments, as well as
13 restitution and forfeiture as described. Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you have any questions about any of
16 that?

17 THE DEFENDANT: No.

18 THE COURT: Okay. All right. And you understand that
19 as far as the matter of restitution, while that applies in this
20 case, as of right now, as we sit here today, it's unknown whether
21 or to what extent restitution -- in other words, what that number
22 might be. Do you understand?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. But it will be up to the Court to
25 decide that after receiving appropriate submissions, information

1 and applying various legal standards before that can be known.
2 So all you need to be clear about is that that is a possibility,
3 and you're prepared to accept that; is that right?

4 THE DEFENDANT: Yes.

5 THE COURT: Okay. Now I think you're a U.S. citizen,
6 correct, Mr. Inouye?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. If you happen not to be a
9 United States citizen, this might be overkill in some people's
10 estimation, but old habits die hard for me. But if it is that
11 you're not a U.S. citizen, you need to understand there are
12 possible adverse consequences if you entered a plea and were
13 sentenced in this case. Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: Okay. That can include your immediate
16 detention, deportation, exclusion from admission to the United
17 States, and the denial of any request from a naturalized US.
18 Citizen. Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Okay. Now, you also understand that you're
21 going to lose some important civil rights by entering a plea
22 today? Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. And that includes the right to vote,
25 the right to hold public office, the right to serve on a jury,

1 and the right to possess any sort of firearm or ammunition. Do
2 you understand that?

3 THE DEFENDANT: Yeah.

4 THE COURT: All right. Do you have any questions about
5 those possible maximum penalties, as well as forfeiture
6 restitution, adverse impact on immigration status and loss of
7 your civil rights? Any questions about that?

8 THE DEFENDANT: No.

9 THE COURT: All right. Now, with regard to elements of
10 the offense, Mr. Nolan, if you could please recite the elements
11 that the Government's required prove?

12 MR. NOLAN: Yes, Your Honor. As to Counts 1 to 6,
13 honest services wire fraud in violation of 18 U.S.C., Sections
14 1343 and 1346, the following are the elements.

15 One. The Defendant devised or knowingly participated
16 in a scheme or plan to deprive the citizens of the City and
17 County of Honolulu and the City and County's Department of
18 Planning and Permitting, also known as DPP, of their right of
19 honest services.

20 Two. The scheme or plan consisted of one or more
21 bribes in exchange for the Defendant's services. The exchange
22 may be expressed or may be implied from all the surrounding
23 circumstances.

24 Three. The Defendant owed a fiduciary duty to the
25 citizens of the City and County of Honolulu and to the DPP.

1 Four. The Defendant acted with the intent to defraud
2 by depriving the citizens of the City and County of Honolulu and
3 the DPP of their right of honest services.

4 Five. The Defendant's act was material. That is, it
5 had a natural tendency to influence or was capable of influencing
6 an entity's acts.

7 And six. The Defendant used or caused someone to use
8 interstate wires to carry out or to attempt to carry out the
9 scheme or plan.

10 As to Count 7, false statement in violation of 18
11 U.S.C. 1001, the following of the elements.

12 One. The Defendant made a false statement.

13 Two. The statement was made in a matter within the
14 jurisdiction of the United States Department of Justice.

15 Three. The Defendant acted willfully. That is, the
16 Defendant acted deliberately and with knowledge both that the
17 statement was untrue and that his conduct was unlawful.

18 And four. The statement was material to the activities
19 or decisions of the United States Department of Justice. That
20 is, it had a natural tendency to influence or was capable of
21 influencing the Department's decisions or activities.

22 THE COURT: All right. Thank you, Mr. Nolan. Mr.
23 Otake, do you agree those are the material elements?

24 MR. OTAKE: Yes.

25 THE COURT: All right. Did you hear all those, Mr.

1 Inouye?

2 THE DEFENDANT: Yes.

3 THE COURT: Did you understand them all?

4 THE DEFENDANT: Yeah.

5 THE COURT: They sounded familiar to you, right?

6 THE DEFENDANT: Yes.

7 THE COURT: You understand that the Government is
8 required to essentially prove all of those elements in order to
9 hold you responsible for any one of these crimes. Do you
10 understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: And that they have to prove it beyond a
13 reasonable doubt? We'll talk a little bit about some of your
14 trial rights, but you understand that basic concept?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. And if they don't do that, then
17 you can't be held accountable. Do you understand?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay. Now in terms of factual basis,
20 beyond you knowing what those elements are, it's important that
21 the Court be satisfied that there's an adequate basis in fact to
22 support each element of the offenses charge.

23 So I'm going to ask Mr. Nolan to summarize the
24 essential facts that the Government would prove that trial. I'm
25 also going to, after that, ask if you've heard those, and then

1 immediately thereafter, we'll ask you what it is that you did in
2 this particular case that makes you think you're guilty of these
3 offenses. Okay. So you understand?

4 THE DEFENDANT: Yes.

5 THE COURT: Okay. All right. Mr. Nolan.

6 MR. NOLAN: Yes, Your Honor. If this matter were to
7 proceed to trial, the Government would prove the following facts
8 through the introduction of witness testimony, bank and other
9 business records, statements by the Defendant, and other
10 evidence.

11 From approximately 2012 through October 2017, the
12 Defendant was employed by the Department of Planning and
13 Permitting, also known as DPP, of the City and County of
14 Honolulu, Hawaii, as a building plans examiner and supervisor.
15 During the employment, the Defendant engaged in a scheme to
16 secretly use his official position to enrich himself by taking
17 bribes in exchange for official actions. As an employee of DPP,
18 the Defendant owed a fiduciary duty to DPP and to the citizens of
19 the City and County of Honolulu.

20 In implementing the scheme, the Defendant acted with
21 the intent to defraud by depriving DPP and the citizens of the
22 City and County of Honolulu of their right to honest services
23 from the Defendant.

24 From in or about September 2016 to in or about
25 September 2017, in furtherance of the scheme, the Defendant

1 solicited and accepted gifts, payments, and other things of value
2 totaling at least \$89,205.81 from an architect and third party
3 reviewer here. Hereinafter Architect 1. The Defendant provided
4 favorable official action on behalf of Architect 1, as requested,
5 and as opportunities arose, including expediting approval of
6 projects submitted for approval to DPP by Architect 1 ahead of
7 projects previously submitted by others.

8 From in or about February 2012 to in or about August
9 2017, in furtherance of the scheme, the Defendant solicited and
10 accepted gifts, payments and other things of value totaling at
11 least \$3,425 from a signage contractor hereinafter Entity 1. The
12 Defendant provided favorable official action on behalf of Entity
13 1, as requested, and as opportunities arose, including expediting
14 approval projects submitted for approval to DPP by Entity 1 ahead
15 of projects previously submitted by others.

16 From in or about April 2012 to in or about January
17 2016, in furtherance of the scheme, the Defendant solicited and
18 accepted gifts, payments and other things of value totaling at
19 least \$9,685 from a building contractor hereinafter Entity 2.
20 The Defendant provided favorable official action on behalf of
21 Entity 2, as requested, and as opportunities arose, including
22 expediting approval of projects submitted for approval to DPP by
23 Entity 2 ahead of projects previously submitted by others.

24 From in or about February 2012 to in or about December
25 2012, in furtherance -- excuse me, Your Honor. Your Honor, I'm

1 going to make a correction to paragraph five, which I was just
2 reading.

3 THE COURT: Sure.

4 MR. NOLAN: It's paragraph five of my letter to the
5 Court, copied the Defense counsel of October 13, 2022, and I will
6 restart paragraph five.

7 From in or about February 2012 to in or about December
8 of 2016, in furtherance of the scheme, the Defendant solicited
9 and accepted gifts, payments and other things of value totaling
10 at least \$1,825 from a signage contractor hereinafter Entity 3.
11 The Defendant provided favorable official action on behalf of
12 Entity 3, as requested, and as opportunities arose, including
13 expediting approval of projects submitted for approval to DPP by
14 Entity 3 ahead of projects previously submitted by others.

15 In furtherance of the scheme the Defendant took steps
16 to hide and conceal the scheme from DPP and the citizens of the
17 City and County of Honolulu, and to cover-up his activity and the
18 nature and scope of his dealings with persons who paid him
19 bribes, including by using a sole proprietorship name, Ski or S-
20 K-I and Associates, a personal cell phone and in person meetings
21 at places other than DB -- excuse me, DPP to carry out the scheme
22 and by his failure to inform DPP of the bribes received by him in
23 exchange for expediting approval of projects submitted by persons
24 who paid him bribes.

25 On or about September 12, 2016, for the purpose of

1 executing the scheme and artifice to defraud, the Defendant
2 caused to be transmitted in interstate commerce a wire
3 communication by his bank for the clearing and payment of a check
4 from Architect 1 to the Defendant for \$12,583.08, which the
5 Defendant had deposited into his bank account.

6 Additionally, the Defendant caused the wires identified
7 on page 5 of the indictments with regard to counts 2 through 6,
8 on the approximate dates stated in the indictment and in the
9 approximate amounts stated in the indictments.

10 On or about July 11, 2019, in Honolulu, Hawai'i, the
11 Defendant willfully and knowingly made a materially false,
12 fictitious and fraudulent statement and representation in a
13 matter within the jurisdiction of the Executive Branch of the
14 Government of the United States by stating during a proffer to a
15 special agent of the Federal Bureau of Investigation and an
16 Assistant United States Attorney of the District of Hawai'i, that
17 Architect 1 loaned the Defendant approximately \$100,000 while the
18 Defendant was employed at DPP.

19 The statement and representation were false because, as
20 the Defendant then and there knew, the money provided by
21 Architect 1 to the Defendant, while employed at DPP constituted
22 bribes in exchange for favorable official action in connection
23 with the scheme and artifice charged in Counts 1 through 3 of the
24 indictment. At the time the Defendant made the statement and
25 representation, the Defendant knew that making such statement was

1 unlawful.

2 THE COURT: All right. Mr. Otake, with regard to the
3 factual basis to include the, I guess, corrections -- correction
4 made by Mr. Nolan and then the additional information referencing
5 the indictment, the specific dates and amounts so those bank --
6 transfer -- or bank account, I guess, transactions, do you agree
7 that these are the facts that the Government would otherwise
8 prove?

9 MR. OTAKE: Your Honor, let me put it to you this way.
10 I agree that the Government believes that's what the evidence at
11 trial would show. Mr. Inouye is prepared today to plead guilty,
12 and he has a factual statement that he's prepared to read to the
13 Court to tell you in his own words why he believes he's guilty.

14 THE COURT: All right. But just to get to it, as far
15 as what the Government's recited, you agree?

16 MR. OTAKE: I agree that --

17 THE COURT: That's what they --

18 MR. OTAKE: -- the Government believes that's what they
19 would show a trial, and that would be a sufficient factual basis
20 for guilt.

21 THE COURT: Okay. All right. Thank you very much.

22 Okay. Mr. Inouye, did you hear what the Government
23 just recited? A whole lot of facts, right?

24 THE DEFENDANT: Yeah.

25 THE COURT: And, basically, the vast majority of that

1 came from the memo that was transmitted by the Government to the
2 Court, but also copied to your attorney. Do you understand that?
3 Okay. You had a chance to go over that with that with your
4 attorney?

5 THE DEFENDANT: Yeah.

6 THE COURT: Okay. And so did you understand everything
7 that the Government just recited?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. Now as far as hearing from you,
10 beyond hearing from the Government, what they believe the facts
11 would show by pleading guilty, you understand you're giving up
12 your right to remain silent? You understand that?

13 THE DEFENDANT: Yeah.

14 THE COURT: Okay. And so by giving up that right, I'm
15 going to ask you essentially what it is you think you did that
16 makes you guilty of these offenses, and you have to respond
17 truthfully, because you've now been sworn under oath. Do you
18 understand that?

19 Okay. Alright. And so with that, Mr. Inouye, what is
20 it that you think you did in this case that makes you think
21 you're guilty of each of the seven offenses that you intend to
22 plead to? You can proceed.

23 THE DEFENDANT: I can remain seated.

24 From 2012 to 2017, I was an employee with the City and
25 County of Honolulu, Department of Planning and Permitting. An

1 architect I knew offered to compensate me to prescreen plans he
2 was going to submit to DPP to make sure they were code compliant
3 and to help expedite approval of the projects. He would ask me
4 to review certain plans before they were submitted. I would make
5 sure they were code compliant. These plans were then sometimes
6 approved by DPP ahead of projects previously submitted by others.
7 These plans would have been approved anyway because I made sure
8 they were code compliant, but their approval was expedited.

9 This architect would deposit money to compensate me for
10 this into a personal account. I also, from time to time, would
11 be compensated by signage contractors and the general contractor
12 to assist them with properly inputting their application into
13 DPP's electronic submittal system. I found a company to do this
14 work and the signage contractors and general contractor would
15 compensate me when I would do these things for them.

16 By doing these things and accepting compensation for
17 it, I deprived the citizens of the City and County of Honolulu
18 and the Department of Planning and Permitting of their right of
19 honest services. Additionally, in furtherance of this plan, the
20 six wire communications listed on page five of the indictment all
21 occurred.

22 Lastly, during an interview with the FBI and the U.S.
23 Attorney in July of 2019, I made materially misleading -- I made
24 a maturely misleading statement that compensation given to me by
25 the architect in question was given to me as a loan. I knew that

1 it was unlawful to make a false statement to the FBI.

2 THE COURT: Alright. Is that everything, Mr. Inouye?

3 THE DEFENDANT: Yeah.

4 THE COURT: Okay. Now, Mr. Inouye, at the time -- and
5 thank you for your statement, but, basically, you knew at the
6 time that you were doing this that it was wrong, right? Do you
7 understand what I'm saying?

8 MR. OTAKE: One second.

9 THE DEFENDANT: Yes.

10 THE COURT: All right. In other words, but for your
11 involvement, whether you call it prescreening, making sure
12 they're code compliant, basically, people's submissions were
13 getting pushed to the front of the line due to your involvement,
14 correct?

15 THE DEFENDANT: Yes.

16 THE COURT: And you were getting compensated for that,
17 correct? Right?

18 THE DEFENDANT: Yes.

19 THE COURT: And while all the other individuals that
20 were just waiting in line, right, that wasn't fair for them,
21 correct?

22 THE DEFENDANT: Correct.

23 THE COURT: All right. And you knew this at the time
24 that you were engaged in this over these years, right?

25 THE DEFENDANT: Yeah.

1 THE COURT: Okay. And to the extent that you were
2 interviewed by the FBI with U.S. Attorney, basically you made
3 statements that -- or a statement, I think was what you described
4 it as, that you knew that was -- what was your term, materially -
5 - it was a misrepresentation. Was that what you said?

6 THE DEFENDANT: He said materially misleading.

7 THE COURT: Misleading.

8 THE DEFENDANT: Yeah.

9 THE COURT: Okay. All right. What was that statement?

10 MR. OTAKE: You can read it again.

11 THE DEFENDANT: Oh.

12 MR. OTAKE: Yeah. At the end.

13 THE DEFENDANT: Okay. I made a materially misleading
14 statement that compensation given to me by the architect -- given
15 to me by the architect in question was given to me as a loan. I
16 knew that it was unlawful to make a false statement.

17 THE COURT: Right. You said it was a loan, but it
18 wasn't a loan, right? Correct?

19 THE DEFENDANT: Yeah.

20 THE COURT: Okay. And that was false?

21 THE DEFENDANT: Yeah.

22 THE COURT: Okay. All right. With that, Mr. Nolan, is
23 there anything in addition that you would like the Court to make
24 inquiry of Mr. Inouye about -- concerning his factual basis to
25 protect the plea?

1 MR. NOLAN: Yes, Your Honor. Just a few things. Let
2 me start with I didn't hear the Defendant acknowledge explicitly
3 that the contractors identified in the indictment were those that
4 he took bribes from. Do you want me to just do these one by one?

5 THE COURT: All right.

6 MR. OTAKE: Well, I mean, however you guys want to do
7 it. I mean, I think he was admitting that --

8 THE COURT: Yeah.

9 MR. OTAKE: -- the wires were accurate.

10 THE COURT: Correct.

11 MR. OTAKE: So I mean, maybe it's just a matter of --

12 THE COURT: Correct.

13 MR. OTAKE: -- clarifying.

14 THE COURT: All right.

15 MR. OTAKE: We're not disputing that it's the --

16 THE COURT: The named entities.

17 MR. OTAKE: -- the contract -- the named ones -- the
18 names in the indictment. So however you want to do it.

19 THE COURT: Okay. So, Mr. Inouye, you understand what
20 Ms. Noel was asking about?

21 THE DEFENDANT: Yes.

22 THE COURT: Okay. So just generally speaking, you knew
23 -- you know the architects, the signage companies, et cetera,
24 that are named in the indictment, correct? Or referenced
25 therein, correct?

1 THE DEFENDANT: Yes.

2 THE COURT: You know who they are?

3 THE DEFENDANT: Yeah.

4 THE COURT: By your statement here today, you are
5 acknowledging and agreeing that those were the entities that were
6 involved in this interaction between you and them as far as
7 review, payment, et cetera, correct? In other words, there's not
8 some other company that you're referring to?

9 THE DEFENDANT: Yes.

10 THE COURT: All right. Mr. Nolan, I think that's
11 suffices, but I'm not sure if there's anything else.

12 MR. NOLAN: On that point?

13 THE COURT: Yes.

14 MR. NOLAN: Yes. The next thing I did not hear, and it
15 could be me, the Defendant, Mr. Inouye, explicitly say that he
16 knew at the time that -- well, that he owed at the time a
17 fiduciary duty to the City and County citizens and DPP.

18 THE COURT: All right. Do you agree with that, Mr.
19 Inouye?

20 THE DEFENDANT: Yes.

21 THE COURT: Your job, in other words, was to do your
22 job and do it properly, correct?

23 THE DEFENDANT: Yes.

24 THE COURT: All right. So you had a duty to make sure
25 that you treated everybody fairly. That's basically what comes

1 down to. You knew that, right?

2 THE DEFENDANT: Yeah.

3 THE COURT: And that by doing what you did, it's been
4 described both in the factual statement by the Government as well
5 as what you've said, you were allowing some people or some
6 entities be treated much more favorably than others, correct?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. And that is not what you're
9 supposed to do, correct?

10 THE DEFENDANT: Correct.

11 THE COURT: All right. Mr. Nolan, anything else?

12 MR. NOLAN: I think we're good, Your Honor. Your
13 Honor, thank you.

14 THE COURT: All right. Mr. Otake, is there anything
15 else that you would like to state with regard to factual basis?
16 Otherwise the Court is satisfied.

17 MR. OTAKE: I appreciate it. The one thing I just
18 would like to state for the record is just that I was not
19 representing him at the time of the false statement in Count 7.
20 That was another attorney. I mean, just to make sure that the
21 Court and nobody else thinks there might be a conflict here.

22 THE COURT: No, no. Understood. Okay. All right. So
23 thank you, Mr. Inouye.

24 Now just give me a second. All right. Now with that,
25 Mr. Inouye, now you know that you're pleading without a plea

1 agreement, correct?

2 THE DEFENDANT: Correct.

3 THE COURT: All right. And what that basically means
4 is the Government's not making any promises at all about what
5 they're going to do or ask for in this particular case. You
6 understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. And so they're free to ask for
9 what they think is appropriate and permitted by law at
10 sentencing. And you also, and Mr. Otake on your behalf, can ask
11 for whatever you folks feel is fair and appropriate by law. You
12 understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. And the Government -- excuse me, the
15 Court, in other words, Judge Kobayashi, will decide what that
16 sentence is. You understand?

17 THE DEFENDANT: Yes.

18 THE COURT: And you have no way of knowing as you sit
19 here today what that ultimate outcome or sentence is going to be.
20 You know that, right?

21 THE DEFENDANT: Yes.

22 THE COURT: So by pleading without a plea agreement,
23 okay, you are taking your chances as far as what's going to
24 happen in this case, you know that, right?

25 THE DEFENDANT: Yeah.

1 THE COURT: Okay. And so you might have certain
2 expectations that Mr. Otake may have talked to you about, but
3 just to be clear, if what ultimately happens in this case is
4 different than what you would like to see happen or the sense
5 that you hope for, that's not going to be a basis to set aside
6 this plea. Do you understand?

7 THE DEFENDANT: Yes.

8 THE COURT: Okay. Now you discussed pleading without a
9 plea agreement at length with your attorney, right?

10 THE DEFENDANT: Yes.

11 THE COURT: You've thought long and hard about doing
12 this, correct?

13 THE DEFENDANT: Yes.

14 THE COURT: You're sure you're sufficiently advised and
15 considered all your options in this case, Mr. Inouye?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. And whose choice is it to plead
18 without a plea agreement here today?

19 THE DEFENDANT: Mine.

20 THE COURT: All right. Anyone making any promises in
21 exchange for your plea today?

22 THE DEFENDANT: What was that?

23 THE COURT: Anyone making you any promises, Mr. Inouye,
24 to --

25 THE DEFENDANT: Oh, no.

1 THE COURT: -- get you to plead today?

2 THE DEFENDANT: No.

3 THE COURT: All right. Anyone putting any pressure on
4 you at all to make you plead when you don't want to?

5 THE DEFENDANT: No.

6 THE COURT: All right. Is anyone trying to force or
7 threaten you in any way whatsoever to enter this plea?

8 THE DEFENDANT: No.

9 THE COURT: Okay. All right. Mr. Inouye, you
10 understand the elements of each of the offenses, correct?

11 THE DEFENDANT: Yes.

12 THE COURT: You understand all the facts that the
13 Government would prove, right?

14 THE DEFENDANT: Yes.

15 THE COURT: You understand all the maximum penalties
16 and other consequences you could suffer, correct?

17 THE DEFENDANT: Yes.

18 THE COURT: All right. Now as far as your rights at
19 trial, you understand that by pleading here today, you're giving
20 up the right to be presumed innocent? You understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: All right. You have every right to
23 maintain your innocence and go to trial and make the Government
24 do its job and prove you're guilty. You understand that?

25 THE DEFENDANT: Yeah.

1 THE COURT: All right. So by going this route and
2 pleading guilty, you're giving up your right to go to trial
3 before either a judge or a jury. You understand that?

4 THE DEFENDANT: Yeah.

5 THE COURT: And you're going to give up your right here
6 today to have an attorney represent -- excuse me. You're going
7 to be giving up your right to require the Government to prove
8 your guilt beyond a reasonable doubt as to each and every element
9 of the offenses charged? Do you understand?

10 THE DEFENDANT: Yes.

11 THE COURT: Now at trial Mr. Otake has explained to you
12 what that looks like, right?

13 THE DEFENDANT: Uh-huh. Yes.

14 THE COURT: Okay. And so the Government's required to
15 put on evidence and proof. They put on their evidence through
16 witnesses, documents, other information. You get to see and
17 question all of that. You also get to call your own witnesses if
18 you want and subpoena them to come to Court, even if they don't
19 want to show up. You have the right to testify on your own
20 behalf if you choose to at trial. Do you understand all of that?

21 THE DEFENDANT: Yeah.

22 THE COURT: And you understand that if you choose to
23 testify, that's just an option that you have. You're not
24 required to because you have no burden of proof at trial. You
25 understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: Okay. And just because you're the
3 Defendant doesn't mean that the jury is permitted to look at your
4 testimony different than anybody else that testifies in the case,
5 do you understand?

6 THE DEFENDANT: Yeah.

7 THE COURT: They don't get say, Mr. Inouye, he's the
8 Defendant, so we got to scrutinize his testimony way different,
9 and we cannot give him the same benefits as far as credibility is
10 concerned, you understand?

11 THE DEFENDANT: Yeah.

12 THE COURT: They're going to judge you just like any
13 other witness, you understand?

14 Now you don't have to testify, but that's your right.
15 And you have the right also to remain silent. You know that,
16 right?

17 THE DEFENDANT: Yeah.

18 THE COURT: And if you choose to remain silent, there's
19 nothing about that that the judge or the jury can use against you
20 and deciding your guilt or innocence in this case, you
21 understand?

22 THE DEFENDANT: Yes.

23 THE COURT: In other words, they can't say, hey, Mr.
24 Inouye didn't testify, he must be hiding something. So, you
25 know, let's hold that against him. They can't do that, you

1 understand?

2 THE DEFENDANT: yes.

3 THE COURT: You clear about that?

4 THE DEFENDANT: Yeah.

5 THE COURT: You understand that the Government has to
6 prove your guilt beyond a reasonable doubt, and it has to be a
7 unanimous verdict? You understand?

8 THE DEFENDANT: Yeah.

9 THE COURT: And what's a unanimous verdict? It's 12
10 jurors.

11 THE DEFENDANT: All 12 would have to be in agreement.

12 THE COURT: Okay. Of the 12 jurors all 12 got to
13 agree, right?

14 THE DEFENDANT: Correct.

15 THE COURT: Right. So even if just one disagrees, then
16 the Government hasn't done its job, and you can't be held
17 responsible, you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. Now, if you go to trial and you
20 are convicted, let's say, you still have a right to appeal from
21 that conviction, you understand?

22 THE DEFENDANT: Yeah.

23 THE COURT: And you can appeal to a higher court, the
24 Ninth Circuit or a higher court, even the Supreme Court, if you
25 wanted to, but the appeal would be geared towards any mistakes

1 that you think might have been made in the case. You understand
2 that?

3 THE DEFENDANT: Yeah.

4 THE COURT: Whether it's by any of the judges that
5 touched your case, whether it's by the jury, anything at all like
6 that. You understand?

7 THE DEFENDANT: Yeah.

8 THE COURT: And just like at trial, you would be
9 entitled to have an attorney assist you at trial. And if you
10 couldn't afford an attorney, then the Court would provide you
11 with attorney at no cost to you on appeal. Do you understand
12 that?

13 THE DEFENDANT: Yeah.

14 THE COURT: Okay. Do you understand all of these
15 rights, Mr. Inouye?

16 THE DEFENDANT: Yes.

17 THE COURT: Do you understand that by pleading guilty
18 that you're going to give up all those rights, there's not going
19 to be a trial at all. Ultimately, Judge Kobayashi will decide.
20 If she decides to accept your plea, then you're going to be found
21 guilty, and you're going to be sentenced. All of that without a
22 trial. Do you understand?

23 THE DEFENDANT: Yeah.

24 THE COURT: Okay. You understand that you're also
25 giving up your right to appeal any sentence that may be imposed

1 in this case, and you're waving your right to collaterally attack
2 that sentence? You understand that?

3 MR. OTAKE: I'm sorry, Your Honor. That's actually one
4 of the reasons we're --

5 THE COURT: Oh, I'm sorry.

6 MR. OTAKE: -- not going with a plea agreement.

7 THE COURT: My apologies. It's just one of the
8 portions in my notes.

9 MR. OTAKE: Yeah.

10 THE COURT: Okay. All right. My apologies there, Mr.
11 Inouye. Okay. But you understand all your rights as far as your
12 trial rights, Mr. Inouye?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. Any questions about that?

15 THE DEFENDANT: No.

16 THE COURT: All right. Now with regards to -- I'm
17 sorry. Let's double check here. Oh, one of the last things I
18 need to cover with you, Mr. Inouye. You understand that federal
19 law sets for certain guidelines that specify the sentences for
20 individuals convicted of federal crimes? You understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: Mr. Otake has advised you about all that,
23 correct?

24 THE DEFENDANT: Yes.

25 THE COURT: All right. And the Court is required to

1 consider those guidelines, but those guidelines are advisory
2 only. In other words, they don't dictate exactly what your
3 sentence is going to be, you understand?

4 THE DEFENDANT: Yeah.

5 THE COURT: The Court has to consider them, right, and
6 has to consider other factors that may apply in your case, but
7 ultimately, it's up to the judge to decide what sentence is most
8 appropriate. You understand?

9 THE DEFENDANT: Yeah.

10 THE COURT: You discussed with Mr. Otake how the
11 guidelines and other sentencing factors might apply in your case?

12 THE DEFENDANT: Yes.

13 THE COURT: You understand that as of this point in
14 time, no presentence report has been done, so it's impossible to
15 determine what your guidelines would be without the benefit of
16 that report? You understand?

17 THE DEFENDANT: Yeah.

18 THE COURT: Okay. Now after the report is generated,
19 you and your attorney will have a chance to review it, as will
20 the Government, and then if you have any objections or anything
21 like that, then you're perfectly free to lodge those objections
22 with the Court. You understand?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. Now you understand that regardless
25 of what the guidelines say, it's ultimately up to the judge to

1 decide what the sentence is, and that sentence could be more
2 severe or different than what the guidelines call for. You
3 understand?

4 THE DEFENDANT: Yes.

5 THE COURT: And you understand, if your sentence is
6 more severe or different than what you expect, that you cannot
7 change your mind and ask that your plea be set aside just for
8 that? You understand?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay. Does that make sense to you?

11 THE DEFENDANT: Yes.

12 THE COURT: Okay. And you also understand that from
13 time to time -- I'm not going to say that this happens, this will
14 happen in your case, but sometimes the Government and you,
15 through your attorney, might agree to some sort of sentencing
16 recommendation after the presentence report comes out. Whatever
17 the recommendation might be jointly from you folks, it's
18 something that the Court will have to consider, but it's entirely
19 up to the judge to decide whether or not to adopt that or not.
20 You understand?

21 THE DEFENDANT: Yeah.

22 THE COURT: In other words, you got no assurance at all
23 what the sentence is going to be. Do you understand?

24 THE DEFENDANT: Yeah.

25 THE COURT: Are you okay with taking that chance?

1 THE DEFENDANT: Yes.

2 THE COURT: In other words, that chance includes that
3 you could get the maximum sentence imposed by law. You
4 understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: All right. Anyone make any promises to you
7 about what your sentence ultimately will be in this case, Mr.
8 Inouye?

9 THE DEFENDANT: No.

10 THE COURT: Okay. Knowing that you still want to
11 proceed and enter guilty pleas in this case, knowing everything
12 you know?

13 THE DEFENDANT: Yes.

14 THE COURT: All right. Is there anything at all that I
15 covered with you that you don't understand, or you'd like an
16 opportunity to talk to your attorney about before I ask for your
17 pleas?

18 THE DEFENDANT: No.

19 THE COURT: Okay. All right. With that as to each of
20 Counts 1 through 6, conspiracy to commit honest services fraud,
21 as well as Count 7 false statement, how do you plead, Mr. Inouye?

22 THE DEFENDANT: Guilty.

23 THE COURT: Okay. Are you pleading guilty because you
24 in fact believe you are guilty of each of these offenses?

25 THE DEFENDANT: Yes.

1 THE COURT: Alright. Mr. Nolan, is there anything else
2 the Court -- or the Government believes the Court should do to
3 further protect the plea?

4 MR. NOLAN: Your Honor, I just want to clarify one
5 thing. I think I heard you say conspiracy.

6 THE COURT: Oh.

7 MR. OTAKE: At the very beginning, you did say that and
8 maybe later. But just to be clear, Mr. Inouye understands that
9 it's not a conspiracy charge. It's 1 through 6 is just honest
10 services wire fraud.

11 THE COURT: I did say that. And so I stand corrected.
12 Okay. So to the offenses that I've asked you to what your plea
13 is, just to be clear, it's honest services fraud in Counts 1
14 through 6 and false statement in Count 7. Do you understand
15 that --

16 THE DEFENDANT: Yeah.

17 THE COURT: -- Mr. Inouye, right?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay. And to each of those offenses, your
20 plea is?

21 THE DEFENDANT: Guilty.

22 THE COURT: Okay. Thank you.

23 All right. With that, the Court will find that the
24 Defendant is fully competent and capable of entering an informed
25 plea, that his pleas of guilt are voluntary, and knowingly, and

1 intelligently made. The pleas are supported by an adequate basis
2 in fact for each of the essential elements of each of the
3 offenses to which he's pled. The Court will prepare and sign off
4 on a report and recommendation regarding the guilty plea.

5 And with that, is there anything else, Mr. Nolan?

6 MR. NOLAN: No, Your Honor. Thank you.

7 THE COURT: Okay. Mr. Otake?

8 MR. OTAKE: No, Your Honor. Thank you. And thank you
9 for allowing us to sit through this.

10 THE COURT: No, not a problem.

11 Mr. Inouye, you got any questions for me? You don't
12 have to, I'm just asking.

13 THE DEFENDANT: No.

14 THE COURT: Okay. All right. With that, sentencing
15 date, please, before the District Judge?

16 THE CLERK: Yes, Your Honor. Sentencing shall be on
17 Thursday, March 9, 2023, at 130 p.m., before District Judge
18 Kobayashi in Aha Nonoi.

19 THE COURT: All right. And there'll be a preparation
20 of a presentence report. Mr. Otake, will go through all of that
21 with you. It's a real important part of the process. Make sure
22 you fully cooperate with that. You have every incentive to want
23 to make sure that report is as complete as it can be.

24 And with that, Court will, I guess, confirm Mr. Inouye
25 remain on release pending sentencing in this case, Mr. Nolan?

1 MR. NOLAN: Yes, Your Honor.

2 THE COURT: Okay. Anything else?

3 MR. OTAKE: No. Thank you, Your Honor.

4 MR. NOLAN: Thank you.

5 THE COURT: Thank you, folks. All right. Good luck to
6 you, Mr. Inouye.

7 THE CLERK: All rise. This Honorable Court stands in
8 recess.

9 (Proceedings concluded at 11:42 a.m.)

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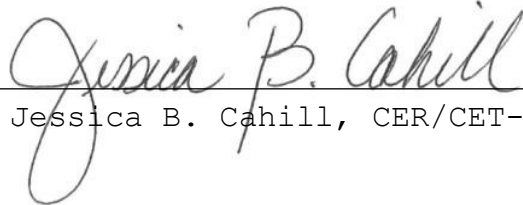
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CERTIFICATE

I, Jessica B. Cahill, Court approved transcriber, do hereby certify that pursuant to 28 U.S.C. §753, the foregoing is a complete, true, and correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated: November 25, 2022

A handwritten signature in cursive script, reading "Jessica B. Cahill", is written over a horizontal line.

Jessica B. Cahill, CER/CET-708